IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8929 OF 2004

The State of Maharashtra & Ors..... Petitioners.

Versus

Madhavi S. Deshpande..... Respondent.

Mr. D.A.Patil, AGP for the Petitioners.
Ms. Seema Sarnaik for the Respondent.

CORAM : S. C.DHARMADHIKARI, J.

DATED : 20TH DECEMBER, 2004.

P.C.:

This State Government's petition is directed against the order of the labour court as well as industrial court which reinstates the Respondent in services. The Respondent was appointed as a Laboratory Technician and was continuously working till the date of the impugned action. She was in fact reinstated by the interim order on 6th August, 1996 and has been working continuously since then. The case of the Respondent is that on 1st January, 1996 her services were terminated without any inquiry and without due procedure of law. It has been substantiated by her and the material produced on record has been appraised by the courts below. The courts below have concurrently found that the

Respondent employee has been continuously working for the period in question and this fact is confirmed by the witness examined by the Petitioner (Dr. Thorat).

2. In this view of the matter, this is not a fit case for interference under Article 227 of the Constitution of India. Petition is dismissed.

3. Ms. Sarnaik, learned Counsel appearing for the Respondent, complains that the Respondent although working continuously for more than eight years has not been extended the benefits of casual leave, etc. Needless to observe that the Respondent having been reinstated in service and this court finding no substance in this petition, the Authority to extend to the Respondent all benefits as are extended to permanent employees. It will be open for the Respondent to apply for this benefit and if such an application is made the appropriate authority shall consider the same and pass suitable directions as are permissible in law. The Respondent will make a representation for extension of the benefits within a period of two weeks from today and on such representation being received the appropriate authority to issue direction within a period of six weeks thereof.

Sd/-

(S. C. DHARMADHIKARI,J.)